REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

As explained in the previous response, Applicants again respectfully request that the Examiner acknowledge consideration of the foreign patent documents cited in the Information Disclosure Statement specifically filed on **June 11, 2001**. An initialed copy of the 1449 form for that IDS is requested.

Claims 1-3, 5, 8-10, 12-17, 20, 25-28, and 30-32 stand rejected under 35 U.S.C. §103 as being unpatentable based on U.S. Patent 6,490,627 to Kalra and U.S. Patent 6,421,733 to Tso. Claims 4, 6, 18, 19, 21-24, 29, and 33-36 stand rejected under 35 U.S.C. §103 as being unpatentable based on U.S. Patent 6,490,627 to Kalra, U.S. Patent 6,421,733 to Tso, and U.S. Patent 6,208,620 to Sen. These rejections are respectfully traversed.

Kalra describes encoding, storing, transmitting, and decoding multimedia information in the form of scalable, streamed digital data. A transcoder creates a base stream containing basic informational content and subsequent streams containing additive informational content from digital multimedia data. Client computers access a stream server that contains the scalable streamed digital data according to a profile associated with each different client computer. This tailors the accessed streams to match the client computer profile so that the best combination of streams can be provided to maximize the resolution of 3D, audio, and video components.

The independent claims recite that transmission condition parameters are transferred <u>both</u> across layers (e.g., from a lower layer to a higher layer) and between different nodes involved in the communication. Example claim 1 recites:

- "performing said controlling of the processing of video data at a first application layer in said source,"

- "acquiring from a network control element separate from said source and said receiver a value of one or more transmission condition parameters indicative of transmission conditions in the network, where said one or more transmission condition parameters are specific for a second layer provided lower than said first application layer,"

- "providing [from the second layer in the network control element] to said first application layer said derived one or more values," and

- "performing at said first application layer [at the source] said controlling of the processing of video data including coding or transcoding of video data in accordance with said derived one or more values."

Kalra fails to teach all of these features. Kalra only vaguely mentions the possibility of taking into account an "available network bandwidth" at column 15, line 51. But no specifics about how this bandwidth is determined are described. Significantly, there is no teaching that bandwidth is acquired at a lower layer by a separate network node and provided to a higher layer a source node.

Figures 13 to 15 of Kalra teach executing a communication between the two endpoints of the communication, namely a server and a client, where all control information is either present at the server or possibly sent from the client to the server. There is no disclosure of acquiring data from a control node located in the network between the server and the client. In other words, Kalra only acquires and processes data at the sender or the receiver of a communication,

but there is no description of acquiring data values at an intermediate network node and then using that acquired data to derive control information for use at the sender. Nor does Kalra describe transferring information from an intermediate network node across different layers to a different endpoint node.

Of the many deficiencies in Kalra, the Examiner only admits that Kalra does not acquire from a network control element, separate from the source and the receiver, a value of one or more transmission condition parameters indicative of transmission conditions in the network. For this one of the multiple missing features from Kalra, the Examiner turns to Tso. Tso teaches a system for dynamically transcoding data transmitted between computers. The transcoder 20 includes a parser 22 and several service providers 24. The parser 22 selectively invokes one or more of the service providers 24 based on a preset selection criterion. See col. 3, lines 8-16.

Claims 1, 16, and 32 are amended to include features from claim 4. Applicant's representative thanks the Examiner for the interview conducted on October 7, 2008. During the interview, a proposed amendment to claim 1 was discussed incorporating the subject matter of claims 2 and 4. It was pointed out that as thus amended, claim 1 included features missing from the combination of Kalra, Tso, and Sen (previously-applied Sen has been discussed and distinguished at length in previous responses). For example, none of the three references teaches directly adapted video data coding using the claimed approach in the claimed handover context.

The Examiner suggested that additional handover related language describing subject matter from page 22 of the specification relating to different cell capacities in two cells involved in a handover be included. Based on the Examiner's suggestion, claims 1, 16, and 32 now recite:

> wherein said communication network includes a wireless
> communication network, said connection comprises a radio link
> for transporting a mobile communication including video data

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> between a mobile station in said wireless communication network
> and a radio base station in said wireless communication network,
> said mobile station being currently located in a first cell coverage
> area, and said one or more transmission condition parameters
> include information pertaining to one or more handover conditions
> associated with handing over the mobile communication to a
> second cell coverage area, and wherein the information pertaining
> to one or more handover conditions includes information relating
> to a cell capacity of the second cell for adapting the coding or
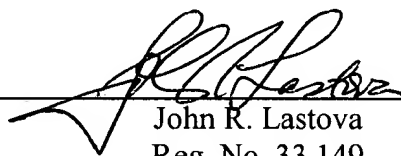> transcoding of video data in accordance with that information.

Kalra's and Tso's teachings are in the context of wireline networks, and thus, handover is not relevant. Sen only briefly mentions hard-handover (see col. 4, lines 20-23), but there is no teaching or suggestion of the claimed handover condition information including information relating to a cell capacity of the second cell for adapting the coding or transcoding of video data in accordance with that information.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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